

Senate Study Bill 1293

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON QUIRMBACH)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nuisance properties by requiring the indexing
2 of certain municipal citations and petitions affecting real
3 property, authorizing the creation of a lien on real property
4 that is the subject of a nuisance action, and providing a
5 limitation on liability for cities and city employees.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1849SC 83
8 md/rj/14

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1 1 Section 1. Section 364.22, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. a. Upon receiving a citation under
1 4 subsection 4 that affects real property, the clerk of the
1 5 district court shall index the citation pursuant to section
1 6 617.10.
1 7 b. The clerk of the district court shall forward a copy of
1 8 the citation to the county recorder for filing. From the time
1 9 of the filing with the county recorder, a lien is created upon
1 10 the real property for the payment of any civil penalties,
1 11 abatement costs, court costs and fees, and for the performance
1 12 of any order, as adjudged by the court. The lien shall have
1 13 preference over all other liens except for taxes owing upon
1 14 the property, and the lien is enforceable against the property
1 15 owner, against a person who accepts title to or an interest in
1 16 the property, or any other interest holder of the property.
1 17 c. The clerk of the district court shall also forward a
1 18 copy of the citation to the county treasurer. The county
1 19 treasurer shall include a notation of the pendency of the
1 20 action in any future tax sale proceeding involving the
1 21 property, or withhold such property from tax sale.
1 22 Sec. 2. NEW SECTION. 364.26 LIMITATION ON LIABILITY ==
1 23 NUISANCE ABATEMENT.
1 24 1. A city or city employee shall not be liable for damages
1 25 resulting from a failure to issue a civil citation under
1 26 section 364.22 relating to a nuisance, a failure to take
1 27 action to abate a nuisance under chapter 657, or a failure to
1 28 file a petition under chapter 657A.
1 29 2. The limitation on liability provided in subsection 1
1 30 shall not affect any exemption from or limitation on liability
1 31 under section 670.4.
1 32 Sec. 3. Section 617.10, subsection 1, Code 2009, is
1 33 amended to read as follows:
1 34 1. When a petition or citation affecting real estate is
1 35 filed, the clerk of the district court where the petition or
2 1 citation is filed shall index the petition or citation in an
2 2 index book under the tract number which describes the
2 3 property, entering in each instance the case number as a guide
2 4 to the record of court proceedings which affect the real
2 5 estate. If the petition or citation is amended to include
2 6 other parties or other lands, the amended petition or citation
2 7 shall be similarly indexed. When a final result is determined
2 8 in the case, the result shall be indicated in the index book
2 9 wherever indexed.
2 10 Sec. 4. NEW SECTION. 657.2A FILING NOTICE OF PETITION ==
2 11 LIEN.
2 12 1. When a petition affecting real property is filed by a
2 13 governmental entity under this chapter, the clerk of the
2 14 district court shall index the petition pursuant to section
2 15 617.10.

2 16 2. The clerk of the district court shall forward a copy of
2 17 the petition to the county recorder for filing. From the time
2 18 of the filing with the county recorder, a lien is created upon
2 19 the real property for the payment of any civil penalties,
2 20 abatement costs, court costs and fees, and for the performance
2 21 of any order, as adjudged by the court. The lien shall have
2 22 preference over all other liens except for taxes owing upon
2 23 the property, and the lien is enforceable against the property
2 24 owner, against a person who accepts title to or an interest in
2 25 the property, or any other interest holder of the property.

2 26 3. The clerk of the district court shall also forward a
2 27 copy of the petition to the county treasurer. The county
2 28 treasurer shall include a notation of the pendency of the
2 29 action in any future tax sale proceeding involving the
2 30 property, or withhold such property from tax sale.

2 31 Sec. 5. NEW SECTION. 657A.12 FILING NOTICE OF PETITION
2 32 == LIEN.

2 33 1. Upon receiving a petition under this chapter, the clerk
2 34 of the district court shall index the petition pursuant to
2 35 section 617.10.

3 1 2. The clerk of the district court shall forward a copy of
3 2 the petition to the county recorder for filing. From the time
3 3 of the filing with the county recorder, a lien is created upon
3 4 the real property for the payment of abatement costs, court
3 5 costs and fees, and for the performance of any order, as
3 6 adjudged by the court. The lien shall have preference over
3 7 all other liens except for taxes owing upon the property, and
3 8 the lien is enforceable against the property owner, against a
3 9 person who accepts title to or an interest in the property, or
3 10 any other interest holder of the property.

3 11 3. The clerk of the district court shall also forward a
3 12 copy of the petition to the county treasurer. The county
3 13 treasurer shall include a notation of the pendency of the
3 14 action in any future tax sale proceeding involving the
3 15 property, or withhold such property from tax sale.

3 16 EXPLANATION

3 17 This bill relates to judicial actions affecting nuisance
3 18 properties. The bill requires that a municipal citation
3 19 issued under Code section 364.22 relating to a nuisance on
3 20 real property, a petition relating to a nuisance on real
3 21 property under Code chapter 657, or a petition relating to a
3 22 nuisance or for title to property under Code chapter 657A be
3 23 indexed by the clerk of the district court pursuant to Code
3 24 section 617.10.

3 25 The bill also provides that in any of the specified
3 26 judicial actions, the clerk of the district court is required
3 27 to forward a copy of the citation or petition, as applicable,
3 28 to the county recorder for filing. From the time of filing
3 29 with the county recorder, a lien is created upon the real
3 30 property for the payment of costs and fees, and for the
3 31 performance of any order, as adjudged by the court. The bill
3 32 provides that such a lien has preference over all other liens
3 33 except for taxes owing on the property, and that the lien is
3 34 enforceable against the property owner, a person who accepts
3 35 title to the property, or person who accepts or has an
4 1 interest in the property.

4 2 The bill also provides that the clerk of the district court
4 3 is required to forward a copy of the citation or petition, as
4 4 applicable, to the county treasurer. The bill requires the
4 5 county treasurer to include a notation of the pendency of the
4 6 action against the property in any future tax sale proceeding
4 7 involving the property, or withhold such property from tax
4 8 sale.

4 9 The bill provides limitations on liability for cities and
4 10 city employees for damages resulting from a failure to issue a
4 11 civil citation under Code section 364.22 relating to a
4 12 nuisance, a failure to take action to abate a nuisance under
4 13 Code chapter 657, or a failure to file a petition under Code
4 14 chapter 657A.

4 15 LSB 1849SC 83

4 16 md/rj/14.1